

Appl. No. : 10/658,836
Filed : August 21, 2003

REMARKS

By this paper, Applicant has canceled Claims 33, 34, 44-48, 50-55, 59, 73-92, 95, 97-99, 102, 107-111, 114, 116, 118, 125-130, 132-135, 137-143, 146-150, 153, 154, 156, 158-160, and 162 -164. Claims 29, 32, 36-39, 40-43, 49, 56, 60-72, 93, 94, 96, 101, 103-105, 112, 113, 115, 117, 119-120, 122, 131, 136, 144, 145, 151, 152, 155, 157, 161, and 165 have been amended. Claims 166 and 167 have been added. Hence, Claims 29-32, 35-43, 49, 56-58, 60-72, 93, 94, 96, 100-101, 103-106, 112, 113, 115, 117, 119-124, 131, 136, 144, 145, 151, 152, 155, 157, 161, 165, 166, and 167 remain pending and are presented for further examination

A. Rejection of Claims 29-165 under 35 U.S.C. § 112, First Paragraph.

In paragraph 3 of the Office Action, the Examiner rejected Claims 29-165 under 35 U.S.C. § 112 as failing to comply with the written description requirement. In particular, the Examiner indicated that “[n]owhere in the specification or the drawings is support for authenticating an identity of a first gaming device as claimed in the independent claims. *Office Action* at 2.

By this paper, Applicant has incorporated the specification of previously incorporated by reference U.S. patent application No. 09/698,507 (the ‘507 application) to the same inventor as the present application. Applicant has also amended the present application to include the drawings of the ‘507 application as Figures 10-14. Because the ‘507 application was incorporated by reference into the present application as filed, Applicant submits that no new matter is thereby added.

Applicant submits that “authenticating an identity of a first gaming device” is supported by the specification. For example, the specification, as amended, recites the following example of such authenticating:

To play the gaming machine 1120, the remote computer 1150 makes a request to the gaming server 1110 to gain access to gaming machine 1120. The request made by the remote computer 1150 can include entering identification information that uniquely identifies the remote player of the remote computer 1150. The identification information can comprise a password, credit card information, etc.

Appl. No. : 10/658,836
Filed : August 21, 2003

The gaming server 1110 compares the identification information with a database. The database can include a listing of all passwords, a credit check of the credit card information or casino-specific credit information. If the identification information matches one of the entries in the database, the remote computer 150 is given access to the gaming machine 1120 through switch 1420.

Specification, paragraphs [0143]-[0145]. Accordingly, Applicant submits that the claims, as amended, comply with the written description requirement of 35 U.S.C. § 112.

B. Rejection of Claims 29-165 under 35 U.S.C. § 103 in view of Wells and Alcorn

In paragraph 5 of the Office Action, the Examiner rejected Claims 29-165 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,123,456 to Wells, et al. ("Wells") in view of U.S. Patent No. 6,321,654 to Alcorn, et al. ("Alcorn"). For the reasons set forth below, Applicant submits that the claims would not have been obvious in view of cited references.

Each of independent claims 29, 56, and 165, as amended, each recite "sending a message to the first gaming device wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device wherein the first gaming device and the second gaming device are separate from the authorization agent." In contrast, Wells and Alcorn merely disclose a system in which a source device can request identification information from a destination device prior to transferring gaming information to the destination device. Wells, col. 8, lines 36 - 38. Hence, Applicant submits that Wells and Alcorn, either alone or in combination, fail to disclose a third device, e.g., an authorization agent, "sending a message to the first gaming device wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device *wherein the first gaming device and the second gaming device are separate from the authorization agent*" (emphasis added) as recited in each of Claims 29, 56, and 165. Thus, Applicant submits that Wells and Alcorn fail to teach or suggest at least this feature of Claims 29, 56, and 165.

Furthermore, because, as discussed above, the combination of Wells and Alcorn fails to teach or suggest all limitations of Claims 29, 56, and 165, Applicant submits that there

Appl. No. : 10/658,836
Filed : August 21, 2003

would also be no motivation to combine Wells and Alcorn because the combination would provide all the claimed features.

Accordingly, Applicant submits that Claims 29, 56, and 165 are in condition for allowance. Further, as each of dependent Claims 30-32, 35-43, 49, 57-58, and 60-72 depends from one of Claims 29 or 56, Applicant submits that each of these dependent claims is also allowable for at least the same reasons.

Similarly, Claim 131, as amended, recites an authorization agent comprising a processor configured to “send a message to the first gaming device wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device wherein the first gaming device and the second gaming device are separate from the authorization agent.” Accordingly, Applicant submits that Claim 112, as amended, is allowable for at least the same reasons as discussed above with reference to Claims 29, 56, and 165. Further, as each of dependent Claims 136, 144, 145, 151, 152, 155, 157, and 161 depends from Claim 112, Applicant submits that these dependent claims are allowable for at least the same reasons.

Claim 93, as amended, recites a first gaming device “sending the gaming transaction request to a gaming authorization agent that authorizes the transfer of gaming software from the send gaming device and receiving a message on the first gaming device from the authorization agent wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device wherein the first gaming device and the second gaming device are separate from the authorization agent,” e.g., similar to Claim 29 except written with reference to the first gaming device. Accordingly, Applicant submits that Claim 93, as amended, is allowable for at least the same reasons as discussed above with reference to Claims 29, 56, and 165. Further, as each of dependent Claims 94, 96, 100-101, and 103-106 depends from Claim 93, Applicant submits that these dependent claims are allowable for at least the same reasons.

Similarly, Claim 112, as amended, recites a first gaming device “receiving a message on the first gaming device from the authorization agent wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device wherein the first gaming device and the second gaming device are

Appl. No. : 10/658,836
Filed : August 21, 2003

separate from the authorization agent," e.g., similar to Claim 29 except with reference to the first gaming device. Accordingly, Applicant submits that Claim 112, as amended, is allowable for at least the same reasons as discussed above with reference to Claims 29, 56, and 165. Further, as each of dependent Claims 113, 115, 117, and 119-124 depends from Claim 112, Applicant submits that these dependent claims are allowable for at least the same reasons.

Similarly, Claim 151, as amended, recites a processor configured to "receive from the authorization agent a reply approving or rejecting the request for the transfer of the gaming software information wherein the first gaming device and the second gaming device are separate from the authorization agent," e.g., similar to Claim 29 except with reference to the first gaming device. Accordingly, Applicant submits that Claim 151, as amended, is allowable for at least the same reasons as discussed above with reference to Claims 29, 56, and 165. Further, as each of dependent Claims 152, 155, 157, and 161 depends from Claim 151, Applicant submits that these dependent claims are allowable for at least the same reasons.

C. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 15, 2006

By: 

John G. Rickenbrode
Registration No. 57,067
Attorney of Record
Customer No. 20,995
(619) 235-8550